

Application Serial No.: 08/749,766

Attorney Docket No. 23435-004

In Response to Office Action mailed October 29, 2003

**REMARKS**

In response to the Office Action mailed October 29, 2003, claims 2-28 and 31-55 have been cancelled without prejudice or disclaimer; claims 1, 29, and 30 have been amended; and claims 56-109 have been newly added. Therefore, claims 1, 29, 30, and 56-109 are pending. Support for the instant amendments is provided throughout the as-filed Specification. Thus, no new matter has been added. In view of the foregoing amendments and following comments, allowance of all the claims pending in the application is respectfully requested.

**Claim Objections**

The Examiner has objected to claims 2, 8, 38, 41, 47, 48, 51, 52, and 55.

Applicant disagrees with objection to claims 2, 8, 38, 41, 47, 48, 51, 52, and 55 as set forth by the Examiner. However, the cancellation of these claims has rendered the rejection of these claims moot.

**Rejections Under 35 U.S.C. § 101**

Claims 15, 17-19, 21, 22, and 30-34 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Applicant disagrees with rejections of claims 15, 17-19, 21, 22, and 31-34 as set forth by the Examiner. However, the cancellation of claims 15, 17-19, 21, 22, and 31-34 has rendered the rejection of these claims moot.

Application Serial No.: 08/749,766

Attorney Docket No. 23435-004

In Response to Office Action mailed October 29, 2003

Applicant disagrees with the rejection of claim 30 as set forth by the Examiner.

However, solely in an effort to expedite prosecution, independent claim 30 has been amended to clarify the statutory subject matter of claim 30.

**Rejections Under 35 U.S.C. § 112, Second Paragraph**

Claims 7, 15, 17-19, 21, 22, and 30-34 stand rejected under 35 U.S.C. §112, second paragraph.

Applicant disagrees with rejections of claims 7, 15, 17-19, 21, 22, and 31-34 as set forth by the Examiner. However, the cancellation of claims 7, 15, 17-19, 21, 22, and 31-34 has rendered the rejection of these claims moot.

Applicant disagrees with the rejection of claim 30 as set forth by the Examiner.

However, solely in an effort to expedite prosecution, independent claim 30 has been amended to clarify that which Applicant regards as the invention in claim 30.

**Rejections Under 35 U.S.C. §102**

Claims 35, 37, 41, and 48 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 1,765,735 to Phinney. ("Phinney").

Applicant disagrees with rejections of claims 35, 37, 41, and 48 as set forth by the Examiner. However, the cancellation of claims 35, 37, 41, and 48 has rendered the rejection of these claims moot.

Application Serial No.: 08/749,766

Attorney Docket No. 23435-004

In Response to Office Action mailed October 29, 2003

**Rejections Under 35 U.S.C. §103**

Claims 1, 2, 4, 6, 7, 9, 10, 12-14, 15, 17-19, 21-34, 39, 42-47, 49, 50, and 52-54 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Phinney in view of U.S. Patent No. 5,046,101 to Lovejoy ("Lovejoy"). Claims 36 and 40 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Phinney. Claims 5 and 8 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Phinney in view of Lovejoy and further in view of U.S. Patent 4,377,101 to Santucci ("Santucci"). Claim 51 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Phinney in view of U.S. Patent 4,433,209 to Kurosawa ("Kurosawa"). Claim 55 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Phinney in view of Lovejoy and further in view of Kurosawa.

Applicant disagrees with these rejections. However, the cancellation of claims 2, 4-10, 12-15, 17-19, 21-28, 31-34, 36, 39-40, 42-47, 49-55 has rendered the rejection of these claims moot.

Applicant disagrees with the rejections of claims 1, 29, and 30 as set forth by the Examiner. However, solely in an effort to expedite prosecution, independent claims 1, 29, and 30 have been amended to clarify points of novelty over the references relied upon by the Examiner. None of the references relied upon by the Examiner, either alone or in combination with one another, teaches or suggests at least the dynamic control means of claims 1 and 29 or the method step of dynamically controlling amplifier means and amplifier elements of claim 30. Furthermore, none of the references relied upon by the Examiner, either alone or in combination with one another, teaches or suggests the combination of the features of the invention as a whole.

Application Serial No.: 08/749,766

Attorney Docket No. 23435-004

In Response to Office Action mailed October 29, 2003

*New Claims*

Applicant submits new claims 56-109 for examination.

New claims 56-81 depend from claim 1, and therefore include the novel subject matter of claim 1 previously set forth as well as other patentable features.

New claims 82-107 depend from claim 29, and therefore include the novel subject matter of claim 29 previously set forth as well as other patentable features.

New claims 108 and 109 include the feature of dynamically controlling amplifier means and individual elements of the amplifier means, among other patentable features, not otherwise taught or suggested by the references relied upon by the Examiner.

For at least the reasons set forth above, none of the references relied upon by the Examiner, either alone or in combination with one another, teaches or suggests all of the features of independent claims 1, 29, 30, 108, and 109. Many other patentable features exist for reasons already of record and for other reasons. However, because at least one feature of each of the claims is clearly missing from the references relied upon by the Examiner, it is unnecessary to detail all of the other bases for patentability of the claims.

Furthermore, the dependent claims 56-107 are patentable over these references because they depend from and add features to the independent claims.

Application Serial No.: 08/749,766

Attorney Docket No. 23435-004

In Response to Office Action mailed October 29, 2003

**CONCLUSION**

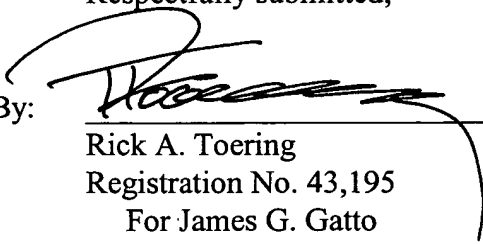
Having addressed each of the foregoing rejections, a full and complete response has been made to the outstanding Office Action. As such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

Date: March 29, 2004

By:

  
Rick A. Toering  
Registration No. 43,195  
For James G. Gatto  
Registration No. 32,694

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY, AND POPEO, PC  
12010 Sunset Hills Road  
Suite 900  
Reston, Virginia 20190  
(703) 464-4800 (Telephone)  
(703) 464-4895 (Facsimile)

RES 112242v1